

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> <b>Criminal Department, Central Division</b>		
TITLE OF CASE: <b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>		
<b>TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 16<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. I. Putnam</b> Court Clerk: <b>W. Anderson/ B. Graves</b> Reporter/Tape: <b>K. Garcia</b> Bailiff: <b>H. Franco, P. Bellefeuille</b>		Date: <b>February 24, 2005</b>
		Department: <b>53</b> Time: <b>9:05 a.m.</b>

Plaintiff: <b>The People of the State of California</b> Defendant: <b>Marcus Delon Wesson</b>	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian- Chief Deputy District Attorney Counsel: Peter Jones - Chief Deputy Public Defender Rafael Torres - Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to adjournment of February 22, 2005, Court reconvenes at 9:05 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

Court received the People's and the Defendant's memo's showing that no errors have been found with regards to the volumne's of the transcripts.

Volumne XL pages 2241 - 2727 are ordered certified.  
 Volumne XL I pages 2728 - 3013 are ordered certified.  
 Volumne XL II pages 3014 - 3261 are ordered certified.

Volumne XL III pages 3263 - 3266 - Court indicates that on page 3376, a jurors name needs to be deleted and the number of "K-12" needs to be interlinated. Court further indicates that on page 3365, line 3, there is a spelling error. Court does order the volumne certified upon those changes being made.

Court advises all parties of the next Certification Date; March 9, 2005 at 8:50 a.m. in dept. 53. Transcripts through March 4, 2005 will be discussed.

Lisa Gamoian, Chief Deputy District Attorney, discusses the two prospective jurors who had previous felonies. Court orders that those jurors; A-10 & E-6, are excused and to be stricken from the random list.

Court schedules Jury Orientation for Thursday, March 3, 2005 in the morning or afternoon for Hardships, and the Individual Interviews will be scheduled for March 4, 2005 and March 7, 2005.

Counsel ordered to review today's Hardships and be prepared to stipulate to them if needed.

Court orders all parties to return tomorrow, February 25, 2005 at 9:00 a.m. for the hearing on Hardships for those individuals who can not attend the regularly scheduled Hardship date.

Court and counsel discuss the using of an electronic system with regards to Challenges for Cause/Objections during the trial.

Defendant agrees of using a head set and waives his personal appearance for when Court and counsel goes back into chambers with counsel.



Rafael Torres, Deputy Public Defender, advises that he has served local law enforcement to appear on March 7, 2005.

Lisa Gamoian, Chief Deputy District Attorney, advises the Court that her witnesses are subpoenaed for March 1, 2005, and requests that they be separated from the public and ordered back on another date. Further, Lisa Gamoian advises that she has received the defendant's motion for re-newed Change of Venue. She will submit her response on Tuesday.

Pete Jones, advises the Court that he has received the randomized list of juror names, and that it was his understanding that Juror G-20 was already excused. Court will defer ruling to Monday morning.

Court stands in recess at 9:25 a.m.

Court reconvenes at 9:28 a.m. with all parties present along with the defendant, Marcus Delon Wesson. Court orders everyone to return on February 28, 2005 at 10:30 a.m. Court stands in recess at 9:29 a.m. until notification from the Jury Commissioner that the new panel of prospective jurors are ready in the Jury Assembly Room.

Court reconvenes at 9:50 a.m. in the Jury Assembly Room with the People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present.

Court gives an opening statement to the panel of prospective jurors.

Court asks the Judicial Assistant, to administer the Voir Dire Oath to the panel of jurors as a whole, and it is so given.

Court further reads a Neutral Statement of the Charges.

Court advises the jurors as to the scheduling, and that they all have received a written copy on the backside of the one of the documents previously handed out. Court further reviews with the jury panel as a whole the understanding of an "Undue Hardship". Court further defines what undue hardship would entail.

The panel of prospective jurors is advised by the Court that an application form for making an "Undue Hardship" will be provided. Court further advises the jurors that if a hardship is not being made, those jurors will need to fill out the "General Questionnaire" form. All forms must be completed by this morning.

Court orders all prospective jurors to return to the Jury Assembly Room on the date given.

Court admonishes all the jurors at this time.

Court stands in adjournment at 10:12 a.m. until 9:00 a.m. on February 25, 2005.

The defendant, Marcus Delon Wesson remains remanded to the custody of the Sheriff of Fresno County.

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